

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Legislative Policy: Federal Endangered Species Act Reauthorization

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Purpose

To establish a legislative policy regarding Federal Endangered Species Act reauthorization to enhance the ability of the Washington Representatives to provide timely input to legislators concerning the County's interest in conservation and endangered species legislation.

Background

Because of the natural history and human history of the San Diego area, the biologic diversity (species richness and numbers) is markedly declining. The Federal Endangered Species Act (ESA) identifies the policy of the nation that individual species and the habitats they depend upon will be protected from extinction. The current ESA is inadequate to address the vast number of candidate and listed threatened and endangered species, particularly those found in the San Diego Region. In order to assure that the policy protect species from extinction and to allow necessary economic growth of the region, the ESA should be amended to be better funded and more efficient in carrying out its purposes.

Policy

It shall be the policy of the Board of Supervisors of the County of San Diego with regard to legislation addressing reauthorization of the Federal Endangered Species Act or other legislation which addresses the identification, listing, protection or planning of biological diversity or sensitive species to support the inclusion of provisions which:

1. Listing Process

- a) A complete change in the listing process, with an emphasis on identifying and conserving sensitive and endangered habitats and their sensitive species, prior to a crisis situation developing would speed the protection of a greater number or species in a more efficient manner. Where appropriate, species should be listed in batches, grouped by habitat types to reduce the duplication and time required for listing.
- b) Species which are on the Candidate Species List 1A should be given official recognition and some level of protection; the Service should be encouraged and allowed to enter into agreements to plan for these species (see suggested change following).
- c) The time necessary for the listing process to take place should be shortened and the decision process and supporting evidence better documents. Besides information

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published in the Federal Register, supporting evidence should be available for public review at regional Fish and Wildlife Service offices.

d) The economic effects of a proposed listing rule should be reported at the time of the proposed rule-making publication in the Federal Register. Relevant subjects of this analysis should include potential beneficial and adverse effects on regional and local economic conditions, employment and land value changes. This analysis should be repeated at the time Recovery Plans and other conservation actions are being proposed, and include the positive and negative economic effects of the action(s). There should be an economic cost-benefit assessment provided with each listing package so that the public and Service can understand the social and economic costs involved with a listing decision.

e) There should be published priority guidelines for which species or kinds of species should be given priority in the listing process; priority should be given to those species which are most endangered and species representing a distinct habitat or geographical subregion should be grouped together. Critical habitat should be determined at the time of listing to clearly indicate the areas necessary for planning for the species survival.

f) There should be an expanded administrative remedy process to allow disputes as to data availability and accuracy to be settled.

2. Conservation Planning and Permitting

a) The primary focus of the ESA should be broadened toward comprehensive planning for sensitive habitats containing candidate or listed species and maintaining essential ecological processes. This would substantially reduce both the time and money spent in the listing process and give focus for conservation or recovery plans. For those species where single species listing and conservation planning are still appropriate, the essential elements of the ESA should be retained.

b) The Service should be empowered and directed to allow the processing of Habitat Conservation Plans (HCPs) on candidate species before listing is necessary. Such plans should meet the same standards for these species as for listed species, as appropriate, and may be delegated to state departments if the standards of the ESA are followed.

c) Candidate species should be given some increased level of protection and conservation measures required which would reduce the likelihood of the need for listing.

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d) Specific recognition and funding should be granted in the ESA for local governments' land use authority and the value in dealing with species and habitat conservation issues. The ESA should provide federal funding and technical assistance to local land use jurisdictions who are engaged in multiple species/multiple habitat plans.

e) The Service should be adequately funded and required to produce species and/or habitat Recovery Plans within a specified period of time after listing; these plans should integrate local and state government and private sector activities and include adequate public input. Where appropriate, these Recovery Plans should address species' conservation actions through multiple-species habitat-based planning activities.

f) The permitting process requirement should be simplified, and Section 7 consultation requirement made available to persons who do not necessarily require other federal permits.

3. Funding Needs

a) Funding for the ESA should be very substantially increased. The Fish and Wildlife Service should be given substantially more qualified personnel, technology, and funds to address the issues discussed above and to clear the log jam of candidate species.

b) Substantially additional funds should be made available to state and local jurisdictions engaged in conservation planning activities which deal with candidate and listed species.

c) The federal government should support and partially fund habitat-level conservation planning as outlined in the California Natural Communities Conservation Plan process; funds should go to federal, state and local cooperators in these programs.

Sunset Review:

This policy will be reviewed for continuance by 12-31-09.

Board Action
6/15/93 (36 and 36-A)

08-07-02 (5)

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CAO Reference

1. Department of Planning and Land Use
2. Department of Parks and Recreation
3. Department of Public Works
4. Department of Agriculture/Weights & Measures